

HOUSE BILL 2230  
By Buck

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 6, relative to use of electronic surveillance or recording instruments, devices or equipment by employers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 6, is amended by adding the following language as a new, appropriately designated section:

Section \_\_\_\_\_. (a) For purposes of this section, "employer" means the owner or owners in the case of an unincorporated business, the partners in the case of a partnership, and the officers in the case of a corporation. Such term does not include nor apply to any governmental entity.

(b) It is an offense for an employer or agent or representative of an employer to operate any electronic surveillance device or system, including, but not limited to, the recording of sound or voice or a closed circuit television system, or any combination thereof, for the purpose of recording or monitoring the activities of an employer's employees in areas designed for the health or personal comfort of the employees or for safeguarding of their possessions, such as restrooms, locker rooms or lounges.

(c) It is an offense for an employer or agent or representative of an employer or for an employee or agent or representative of an employee to intentionally overhear or record a conversation or discussion pertaining to employment contract negotiations between the parties involved in such conversation or discussion, by means of any

instrument, device or equipment, unless such person has the consent of all parties to such conversation or discussion.

(d)(1) A first violation of subsection (b) is a Class B misdemeanor punished by a fine only of five hundred dollars (\$500).

(2) A second violation of subsection (b) is a Class A misdemeanor punished by a fine only of one thousand dollars (\$1,000).

(3) A third or subsequent violation of subsection (b) is a Class A misdemeanor punished by imprisonment for thirty (30) days.

(4) A violation of subsection (c) is a Class E felony.

SECTION 2. This act shall take effect July 1, 1996, the public welfare requiring it.

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